

2013 DRAFTING REQUEST

Bill

Received:	11/13/2012	Received By:	phurley
Wanted:	As time permits	Same as LRB:	
For:	Administration-Budget	By/Representing:	Kirby
May Contact:		Drafter:	phurley
Subject:	Justice - civil	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to:

Pre Topic:

DOA:.....Kirby, BB0242 -

Topic:

Special Counsel

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 11/13/2012	kfollett 11/14/2012	jfrantze 11/14/2012	_____	mbarman 11/14/2012		

FE Sent For:

<END>

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/P1	phurley	1P1kf 11/14	1P1kf 11/14	gnd 11/14			

FE Sent For:

<END>

Hurley, Peggy

From: Hanaman, Cathlene
Sent: Tuesday, November 13, 2012 12:36 PM
To: Hurley, Peggy
Subject: FW: Statutory Language Drafting Request - BB0242

You or me, babe?

From: Peter.Kirby@Wisconsin.gov [<mailto:Peter.Kirby@Wisconsin.gov>]
Sent: Tuesday, November 13, 2012 12:01 PM
To: Hanaman, Cathlene
Cc: Wavrunek, Leah J - DOA; Kirby, Peter W - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request - BB0242

Biennial Budget: 2013-15

DOA Tracking Code: BB0242

Topic: Special Counsel

SBO Team: AEJ

SBO Analyst: Kirby, Peter W - DOA
Phone: 608-267-0370
E-mail: Peter.Kirby@Wisconsin.gov

Agency Acronym: DOJ

Agency Number: 455

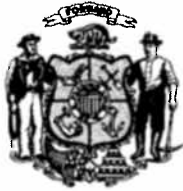
Priority: Medium

Intent:

Transfer 20.455(1)(b) to the Department of Administration and remove from DOJ.

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0546/P1

PJH:...

gf

DOA:.....Kirby, BB0242 - Special Counsel

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

11-13-12

Don't Gen

AN ACT ...; relating to: the budget

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, the governor may appoint special counsel to assist or to act instead of the attorney general in certain actions or proceedings. Special counsel are paid from an appropriation to the Department of Justice (DOJ). This bill transfers the appropriation for special counsel from DOJ to the Department of Administration.

X
X

DOA

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.05 (2m) (c) 6. b. of the statutes is amended to read:

5.05 (2m) (c) 6. b. The board shall enter into a written contract with any individual who is retained as special counsel setting forth the terms of the engagement. The contract shall set forth the compensation to be paid such counsel by the state. The contract shall be executed on behalf of the state by the board's legal

counsel, who shall file the contract in the office of the secretary of state. The compensation shall be charged to the appropriation under s. ~~20.455 (1) (b)~~ 20.505 (1) (d).

History: 1973 c. 334; 1975 c. 85, 93, 199; 1977 c. 29; 1977 c. 196 s. 131; 1977 c. 418, 427, 447; 1979 c. 32 s. 92 (8); 1979 c. 89, 154, 328; 1983 a. 27, 484, 524, 538; 1985 a. 303; 1985 a. 304 ss. 3, 155; 1989 a. 31, 192; 1999 a. 182; 2001 a. 109; 2003 a. 35, 265, 266, 327; 2005 a. 177; 2007 a. 1 ss. 2 to 19, 94, 99, 100, 103, 104, 107, 109, 111, 112, 114, 116, 127, 128; 2007 a. 20; 2009 a. 28, 180; 2011 a. 75.

SECTION 2. 14.11 (2) (b) of the statutes is amended to read:

14.11 (2) (b) When special counsel is employed, a contract in writing shall be entered into between the state and such counsel, in which shall be fixed the compensation to be paid such counsel by the state. The contract shall be executed in behalf of the state by the governor, and shall be filed in the office of the secretary of state. Such compensation shall be charged to the special counsel appropriation in s. ~~20.455 (1) (b)~~ 20.505 (1) (d).

History: 1971 c. 164; 1981 c. 20 s. 2202 (17) (a); 1985 a. 332 s. 253; 1991 a. 316.

SECTION 3. 20.285 (2) (j) of the statutes is amended to read:

20.285 (2) (j) Notwithstanding s. 20.001 (2) (c), annually, there shall lapse from the appropriation accounts under ss. 20.285 (1) (a), (gb), and (ge) an amount equal to the amount spent during that fiscal year from the appropriation account under s. ~~20.455 (1) (b)~~ 20.505 (1) (d) for legal advice regarding public broadcasting by the University of Wisconsin System, as determined by the secretary of administration.

History: 1971 c. 40 s. 93; 1971 c. 100 s. 23; 1971 c. 125, 215, 236; 1971 c. 323 s. 27; 1973 c. 90, 301, 333, 340; 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 198 s. 63; 1975 c. 224; 1977 c. 29; 1977 c. 418 ss. 91 to 92, 924 (50), 929 (55); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27 ss. 213 to 215m, 2202 (20); 1983 a. 237; 1983 a. 333 s. 6; 1985 a. 29, 120, 339; 1987 a. 27, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 269, 335, 353; 1991 a. 39, 167, 269; 1993 a. 16, 455; 1995 a. 27 ss. 600m to 615m, 1080b, 1085b, 1086b; 1995 a. 227, 228; 1997 a. 27 s. 257m, 263m, 271 to 281; 1997 a. 237, 252; 1999 a. 9, 32, 107; 1999 a. 150 s. 672; 2001 a. 16, 103, 109; 2003 a. 33, 176, 321; 2005 a. 25, 460; 2007 a. 20 ss. 248m to 262, 9121 (6) (a); 2009 a. 28 ss. 211, 215, 253m to 262m; 2009 a. 190, 265; 2011 a. 32.

SECTION 4. 20.455 (1) (b) of the statutes is renumbered 20.505 (1) (d).

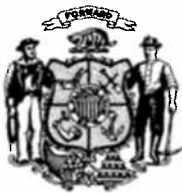
note: bud **SECTION 5.** 321.42 (1) (b) of the statutes is amended to read:

321.42 (1) (b) The costs and expenses of the defense under par. (a) shall be audited by the department of administration and charged to the appropriation under s. ~~20.455 (1) (b)~~ 20.505 (1) (d). If the jury or court finds that the member against whom the action is brought acted within the scope of his or her employment as a

member, the judgment as to damages entered against the member shall be paid by the state.

History: 1977 c. 65; 1979 c. 34 s. 2102 (37) (a); 1979 c. 221; 1981 c. 20 s. 2202 (17) (a); 1985 a. 332 s. 253; 1987 a. 63 s. 13; 2003 a. 69; 2007 a. 200 s. 43 to 45; Stats. 2007 s. 321.42.

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0546/P1
PJH:kjf:jf

DOA:.....Kirby, BB0242 – Special Counsel

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT** ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, the governor may appoint special counsel to assist or to act instead of the attorney general in certain actions or proceedings. Special counsel are paid from an appropriation to DOJ. This bill transfers the appropriation for special counsel from DOJ to DOA.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 5.05 (2m) (c) 6. b. of the statutes is amended to read:
3 5.05 **(2m)** (c) 6. b. The board shall enter into a written contract with any
4 individual who is retained as special counsel setting forth the terms of the
5 engagement. The contract shall set forth the compensation to be paid such counsel
6 by the state. The contract shall be executed on behalf of the state by the board's legal

1 counsel, who shall file the contract in the office of the secretary of state. The
2 compensation shall be charged to the appropriation under s. ~~20.455 (1) (b)~~ 20.505 (1)
3 (d).

4 **SECTION 2.** 14.11 (2) (b) of the statutes is amended to read:

5 14.11 (2) (b) When special counsel is employed, a contract in writing shall be
6 entered into between the state and such counsel, in which shall be fixed the
7 compensation to be paid such counsel by the state. The contract shall be executed
8 in behalf of the state by the governor, and shall be filed in the office of the secretary
9 of state. Such compensation shall be charged to the special counsel appropriation in
10 s. ~~20.455 (1) (b)~~ 20.505 (1) (d).

11 **SECTION 3.** 20.285 (2) (j) of the statutes is amended to read:

12 20.285 (2) (j) Notwithstanding s. 20.001 (2) (c), annually, there shall lapse from
13 the appropriation accounts under ss. 20.285 (1) (a), (gb), and (ge) an amount equal
14 to the amount spent during that fiscal year from the appropriation account under s.
15 ~~20.455 (1) (b)~~ 20.505 (1) (d) for legal advice regarding public broadcasting by the
16 University of Wisconsin System, as determined by the secretary of administration.

17 **SECTION 4.** 20.455 (1) (b) of the statutes is renumbered 20.505 (1) (d).

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 5.** 321.42 (1) (b) of the statutes is amended to read:

19 321.42 (1) (b) The costs and expenses of the defense under par. (a) shall be
20 audited by the department of administration and charged to the appropriation under
21 s. ~~20.455 (1) (b)~~ 20.505 (1) (d). If the jury or court finds that the member against
22 whom the action is brought acted within the scope of his or her employment as a

1 member, the judgment as to damages entered against the member shall be paid by
2 the state.

3 (END)